



DECLARATION OF DAN MOSKOVITZ

1. I am Dan Moskovitz, the Chairman of the Board and President of E-NVENT USA, INC., the Assignee of U.S. Patent Application Serial No. 09/814,399.
2. I am the person authorized by E-NVENT USA, INC. to coordinate the handling of U.S. Application Serial No. 09/814,399 with patent attorneys.
3. The U.S. Application was originally prepared by the office of Luzzatto & Luzzatto in Israel, which coordinated all the filing and prosecution issues with our patent attorneys, Merchant & Gould, in the U.S.A.
4. As my work requires me to be away from the office most of the time, I authorized certain E-NVENT USA, INC. employees to coordinate with the inventors, who were former employees of our subsidiary in Israel, E-NNOVATE (Israel) Ltd., all the issues concerning the prosecution of U.S. Patent Application Serial No. 09/814,399. The inventors, in turn, coordinated with Luzzatto & Luzzatto. However, I have never authorized any of the employees to give instructions to abandon this application.
5. E-NNOVATE (Israel) Ltd. ceased to exist on December 31, 2001.
6. Luzzatto & Luzzatto reported the Office Action dated March 27, 2003 to the inventors, who in turn reported the same to the E-NVENT USA INC. employees in the U.S.A. Due to an error in distinguishing between the activity and property of E-NNOVATE (Israel) Ltd., which became irrelevant after December 31, 2001, and the intellectual property of E-NVENT USA INC., it was wrongly concluded by the E-NVENT USA INC. employees that this application was irrelevant, and that they could allow the application to go abandoned.
7. I never intended to abandon the U.S. Patent Application Serial No. 09/814,399, and said E-NVENT USA, INC. employees were not authorized to instruct the abandonment of the application. Therefore, the abandonment of this application was a mistake and was completely unintentional.

8. The entire delay in filing the required response from the due date until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: May 6, 2004

By: 

Dan Moskovitz